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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q54487

Eiko MASATSUJI, et al.

Appln. No.: 09/492,763

Group Art Unit: 1614

Confirmation No.: 1343

Examiner: Vickie Y. Kim

Filed: January 27, 2000

For: DERMAL AGENT

RESPONSE UNDER 37 C.F.R. § 1.111

MAIL STOP NON-FEE AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated January 28, 2004, please consider the remarks as submitted herewith on the accompanying pages.

REMARKS

Claims 1-6 and 16-20 are all the claims pending in the application.

Claims 1-6 are rejected under 35 USC § 102(a) as allegedly anticipated by Suzuki et al (EP '321).

The Examiner states that Suzuki et al teaches a cosmetic or medical preparation that contains L-ascorbic acid 2-phosphate zinc salt as active ingredients and therefore all of the critical elements required by the instant claims are taught by the prior art. The Examiner further states that EP '321 teaches the antimicrobial effect and excellent stability accompanied by the active ingredient, i.e., L-ascorbic acid 2-phosphate zinc salt and the intended use of the disclosed